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AN ADDRESS OF THE BOARD OF MANAGERS OF  
THE COLUMBIANA COUNTY ANTI-SLAVERY SO-  
CIETY, TO THE CITIZENS OF OHIO.

Man, as a part of creation, is a being who having no agency in producing his own existence, therefore can have no control over the necessities and principles which, in some measure, govern his actions—such as the partaking of food, shielding and protecting himself from the changes of the seasons, and from the inclemency of the weather.

These wants being common to all, a knowledge of the necessity to make exertion in order to obtain the means for supplying them, appears equally common to all coming within this general term, man. Hence, *all having these propensities or wants, ALL MUST have natural right* to obtain; consequently, no one can have any *right* to prohibit or to prevent his fellow the exercise of this equitable, natural and indispensable *right*: yet, as some men have been constituted with more bodily strength than others, in the exercise of this natural right, they have often made use of their extra strength to the prejudice of their fellows. Hence, men have been induced to form communities, which have established (what is commonly called) government, the use and design of which was (and still ought to be) the protection of the weak from the encroachments of the strong, thus securing to each individual the exercise of these natural and common *rights*, in procuring the means to supply these common wants.

Government is of different forms and has been variously administered in different countries and at different periods of time, not necessary at present to be defined or described. The one under which we live, was formed on the broad and general principles of *equal* and *unalienable rights*, which was emphatically proclaimed in its very first formation, and has been so emphatically repeated at each annual revolution which the earth has performed in its orbit, from that to the present period of time—it was incorporated into the compact under which our own state has assumed that independence whereby she claims a right of membership in that government, which so loudly boasts that these are the immutable principles upon which *all* government should, and does of right stand.

Notwithstanding all which, it is a *fact* much to be regretted, that these great and fundamental principles of government have not been so closely observed and scrupulously adhered to, as to have *all* the enactments made under the authority (ostensibly) of this compact, strictly consistent with the spirit and principles which it sets forth; and that in comparing the principles of some acts with those of this compact, there is so much incongruity

we can only reconcile them by admitting the correctness of the ancient maxim, that "Power constitutes right."

However repugnant this state maxim may be (and certainly is) to the generous feelings of the philanthropist and Christian, yet there appears no more correct way of accounting for the following act, which we find recorded among the statutes of this state since the 25'h of January, 1807, viz:

*"Be it enacted by the general assembly of the state of Ohio,* That no negro or mulatto person shall be permitted to migrate and settle within this state, unless such negro or mulatto person shall within twenty days thereafter enter into bond with two or more freehold sureties in the penal sum of five hundred dollars, before the clerk of the court of common pleas of the county in which such negro or mulatto may wish to reside, conditioned for the good behavior of such negro or mulatto, and moreover to pay for the support of such person, in case he, she or they should thereafter be found within any township in this state, unable to support themselves; and if any negro or mulatto person shall migrate into this state and not comply with the provisions of this act, it shall be the duty of the overseers of the poor of the township where such negro or mulatto person may be found, to remove immediately such black or mulatto person, in the same manner as is required in the case of paupers."

As the second section of this law only makes provision for registering the bond, giving certificate, &c., it is not necessary to take time and paper in transcribing it here. But the third sec. declares—"That if any person being a resident of this state shall employ, harbor or conceal any such negro or mulatto person aforesaid, contrary to the provisions of the first section of this act, any person so offending shall forfeit and pay for every such offence any sum not exceeding one hundred dollars, one half to the informer, the other half to the use of the poor, &c., and moreover liable for the maintenance and support of such negro or mulatto person, provided he, she or they shall become unable to support themselves.

"Sec. 4. That no black or mulatto person or persons shall hereafter be permitted to be sworn or give evidence in any court of record, in any case depending or matter of controversy, where either party to the same is a white person."

Now, does the first section of this act agree with the great and fundamental principles on which our national government was declared to be based, and which we find recorded in the 1st sec. of the 8th article of our state constitution, in these words:—"We declare that ALL men are born equally *free* and independent, and have certain natural, inherent and unalienable rights, among which are the enjoying and defending *life and liberty*, acquiring, possessing and protecting property, *and pursuing and*

*obtaining happiness and safety?"* Is the giving of bond "in the personal sum of *five hundred dollars*, and finding surety before we are permitted to *acquire and possess property*, or to *pursue and obtain happiness*," A MARK OF FREEDOM—OF LIBERTY? No, surely, we cannot have the enjoyment of liberty and freedom, unless we have the liberty of going where we please, into any community, remaining as long as we please and pursuing after the same means of happiness on the same terms which others do. We must remember our constitution does not say "*all men*" of a certain color "*are born equally free and independent*," &c., but the language is unlimited, that ALL MEN are so born, and have these "natural, inherent and unalienable rights;" and surely none will deny that blacks and mulattoes are men. This being admitted, under this clear declaration of our constitution, they must have all the same rights which others enjoy—the same right to defend life—the same right to acquire and possess property. Yet this law denies them these rights, in substance, by requiring almost impossibilities—two freehold sureties, bound in the sum of five hundred dollars! that they never will so far give way to the passions and weaknesses incident to human nature, as to offend against our laws! that they will, so long as life may be permitted, be able to supply their own necessities, notwithstanding the numerous accidents and casualties to which human nature is liable! Few, very few of us who are called white, would be able to do this, was it required at our hands, much less those of a darker complexion against whom there is such a general prejudice. Without this, the law determines that they shall not defend life, by the third section's prohibiting any inhabitant of the state giving them employment, or harboring them under a heavy penalty; thus cutting off the honest means of obtaining support.—Hence they cannot defend life unless they resort to plundering or return to the place from whence they came, (probably a state of slavery.) In order that the means of living shall be effectually cut off, one-half the fine (even if it should be hundred dollars) is offered to the informer. Can there be a more flagrant violation of "natural and inherent rights" than denying a man the right of living longer, and dooming him to waste his few remaining days in feeling the torment of hunger?

If there should be some individuals of the community too humane to permit this, it is not to the credit of the law or the law-makers; such being the manifest spirit and intent of the law, such as aver its effect do it at a hazard, and must come under the censure of law-breakers. But violating the rights of the colored man is not the only infringement of rights to be charged to this law; it equally violates the rights of the philanthropist and the Christian, in their pursuit of happiness. Suppose one of this

color comes to our houses seeking employment, in order to obtain honestly the means of sustaining life; we inquire if he has given bond as the law requires, he answers no; tells us he is a stranger, is poor, is hungry and likely to become naked; by this law we are not permitted to give him employ, no matter how great may be his necessity for aid; no, we must not extend to him the common *rites of hospitality*, or perform the *duties of Christian charity* or we are liable to be prosecuted for *harboring*. Thus we are forbidden to gratify our feelings of philanthropy, by administering to the necessities of a fellow-being—to fulfil one of the most important commands of the Saviour: namely, “*Whatsoever ye would men should do unto you, do ye even so to them.*” And the Christian is brought to the painful dilemma of breaking the law of his God or the law of his country; this, too! in a land where almost ALL profess to be Christians!!

Let us now look at the 4th section of this law: the preceding sections seems to guard very carefully all avenues against the colored man acquiring and possessing property; nevertheless, should the humane and Christian feeling of some, so far prevail, (as it has already done in some places,) as to put this unrighteous law at defiance, and permit him to come and acquire property, this section opens a door for him to be legally cheated out of it. To prove this, we will suppose one of this cast to be industrious and economical, and have acquired some property; one of his white neighbors (too lazy and base to obtain a living honestly, as does the man of dark countenance) concludes to cheat him. The white man goes and agrees with his dark neighbor to pay him fifty or sixty dollars at a period of future time for certain property which they mutually agree to be its value—there is no other white person present; the colored man believing his white neighbor honest, does not take the precaution to have written evidence of their contract, and delivers the property. When the time of payment comes round he asks his white neighbor for the money—receives for answer that he owes him nothing. How can he obtain his just due? Were he white he could make out his account and substantiate it by his own testimony; but not so in the present case—he may have a dozen colored witnesses, but it avails him nothing! a white person is a party! and none but white persons are permitted to give testimony: thus the colored man is wronged out of his earning, this too according to law! and in opposition to the provision of the 7th section of the 8th article of the constitution, which says, “*That all courts shall be open and EVERY PERSON for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without denial or delay.*” Here again we find the terms used by the framers of our constitution, full and unlimited, em-

bracing *all the human family*. And how is it possible for any one to read these two sections of the constitution, and conceive that black and mulatto persons were not intended to be embraced in those general terms, and entitled equally to all the rights and privileges enumerated, we are at a loss to understand.

In reviewing this law, we find all its provisions and bearings calculated to produce an effect, the reverse of that for which government was instituted: viz, administering right and justice, and encouraging industry and honesty, by protecting them; instead of which, by refusing employment to the colored man, drives him to dishonest means for sustaining life, and invites the white man to defraud, yea to maim and abuse the black and mulatto man with impunity. And for what cause? Is it because they have not the same wants, the same appetites, and the same passions with the white man? Is it in consequence of *any defect* in their nature? The legislature in adopting a report made by Mr. McNutt, chairman of the committee on the judiciary, to whom was referred petitions asking the repeal of this law, in January, 1834, have unqualifiedly declared "that there is NO defect in their nature."

Thus we can find no other reason, than because God in his wisdom, has given them a color darker than those who assume the right of making and administering the laws. But has he given any warrant to the man of bright color, to oppress those of a dark? From an attentive perusal of the book generally admitted to contain his revealed will, we are unable to find one word which will show one color to have any prerogative or advantage over another. But on the contrary, it teaches that all men are brethren—that we must be just and merciful to all, without respect to persons, as we expect to receive blessing and mercy at his almighty hand.

There is another view we should like to take of this law, before leaving it, in order to show more completely its inconsistency with the fundamental principles of our government. In the 2d sec. of the 4th article of the constitution of the U. States, we find it stated that "The citizens of each state shall be entitled to ALL the privileges and immunities of citizens in the several states." The question here will arise, *who are citizens?* Neither of the constitutions from which we have quoted, appears to define this term particularly. The one from which we last quoted, in fixing the mode of apportioning representatives and direct taxes (which appears to be the most definite clause on the subject) among the several states, says it shall be "according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a number of years, and excluding Indians not taxed, three-fifths of all other persons." From this clause it would

seem *all free persons* were to be considered citizens, (at least those born within the limits of the states,) except Indians not taxed; this appears also consistent with the usage and custom of nations. Hence we conclude that this law is a violation of the general compact, which it is emphatically declared in the 6th art. of that constitution, "Shall be the supreme law of the land; and the judges of every state shall be bound thereby, any thing in the constitution or laws of any state notwithstanding." But if we even make citizenship to rest on the elective franchise we still say this law deprives the citizens of some states from *all* the privileges and immunities of citizens of this state, inasmuch as colored persons exercise this privilege in several states in this union. Since then this law is so inimical to the principles of our state constitution, to those of the United States, to the feelings of humanity, and to the duties required by Christianity, shall we, fellow-citizens, suffer it longer to remain in our statute book, as a monument of the influence of a prejudice which was conceived in injustice and fraud—has been nursed, strengthened and continued by cruelty and oppression? We hope there *is too much magnanimity, too great love of justice*, philanthropy and Christianity among the citizens of this state (on a serious investigation) to *allow it*. We therefore respectfully invite your attention to the subject, and entreat you to divest yourselves of the influence of this wicked prejudice, by frequently meditating on the injunction of the Saviour—"Whatsoever ye would men should do unto you, do ye even so to them."

Unconstitutional and discreditable as the law we have been considering is, there is another, bearing date 1834, which, on examination, we apprehend will not increase the fame of Ohio for justice and equity, or for philanthropy and Christian benevolence, more than the one of 1807. It is that regulating common schools. From the rights of white children being particularly guarantied, the property of black and mulatto persons exempted from taxation, for all school purposes, this law appears to contemplate the exclusion of children not counted white, and *is generally so understood*: although the law does not say they shall, yet the effect is much the same as if it did. It was stated in the Patriot & Shield of Newlison, a few months since, that when the last census was taken there were about 9,000 colored persons in Ohio. We may safely estimate one-third of this number to be under 21 years of age, and therefore coming under the class of scholars. Then we have 3,000 or upwards of children in this state, who are excluded from our schools, although the 25th sec. of the 8th art. of our state constitution declares "That no law shall be passed to prevent the poor in the several counties and townships within this state, from an *equal* participation to the schools, academies, colleges and universities within this

state, which are endowed in whole or in part from the revenue arising from donations made by the United States, for the support of schools and colleges, and the doors of said schools, academies and universities *shall be open* for the reception of scholars, students and teachers of *every grade*, without *any distinction* or preference whatever." Notwithstanding this clear and unqualified declaration of our constitution, and the undeniable fact of the U. States having set apart the 16th section of land in each original surveyed township, as a donation for education, and the proceeds arising from these sections are made part of the endowment for supporting our common schools, yet all the scholars of a certain color are excluded. And why? Is it because they are not poor? McNutt in his report, to which we alluded in speaking of the law of 1807, assigns the general poverty of black and mulatto persons, as one reason why they ought to be prevented from migrating and settling in this state. As was previously observed, we were unable to discover in the clauses of the constitution guaranteeing "natural and inherent rights," any distinction on account of color, so in this case, on the subject of education, we can find no exception to any color or class. The expressions are, "*of every grade, without ANY DISTINCTION WHATEVER.*" May we not very justly assume, that the legislature, by selecting a phraseology which is generally interpreted to exclude more than 3,000 youth from our schools, and from the benefit of a fund originally intended for their use, *have violated* the constitution? We think this a conclusion on a candid examination, reasonable, and to which we are irresistably drawn. And we ask why have our legislators determined on the exclusion of this class? Is it because they are so vicious that moral suasion and salutary discipline cannot prevent their corrupting others, if admitted into our common schools? From an examination of this law, we do not discover any such reason. If such had been the view of the legislature, why was it not stated? and why are not vicious whites also excluded?—since there may be more than 9,000 (we have no doubt) selected in this state, who, on a comparison with our colored population, will not be behind them in any vice and immorality. But no, it is for none of these reasons, since it is generally admitted that *there is no defect in their nature*—their wants are as great and their claims as good as those of a white complexion. But *it is* because God has given them a color different from those legislators and their immediate constituents. And thus, not content with continuing to deprive the man whom our forefathers have degraded by their injustice and oppression, of his "natural and inherent rights," in defending life, "acquiring, possessing and defending property," we determine to entail degradation on his posterity, by cutting off the means whereby they might probably

rise from it, and the means of feeding and sustaining the intellectual man. We will not allow them the sweet comfort of perusing that volume which we ourselves so highly value, or to benefit themselves by being acquainted with the experience of those who have lived before us. And for all this, we can assign no better reason than that our fathers have, by the strong arm of power, degraded theirs; therefore, as dutiful children we will continue to practice the same! notwithstanding we condemn our fathers for tearing theirs from their own native land, and depriving them of their just right to liberty!! Will not the same condemnation be justly applied to us *in its fullest force*, which was by Christ to those who builded the sepulchres of the prophets whom their fathers had slain, and yet did the same thing themselves?

We pretend to disapprove and condemn the southern states for keeping slaves. But when they consider our laws and our treatment of colored persons, what must be their conclusions? Why, that we consider persons of this cast not entitled to the rights and privileges of men—a class fit only to exist in a state of abject servitude. Should their sense of justice to the rights of man be sufficiently clear and strong to induce them to liberate their slaves, feelings of charity would forbid it, and they must settle down under the belief, that to continue their bondage, if not strict justice, is yet the best circumstances will admit.—Thus we are affording one of the strongest arguments to the slaveholders to continue their oppression, while we are exclaiming against their oppression.

In conclusion, we would exhort you, fellow-citizens, to instruct the legislature to repeal these acts, which we think we have shown to be inconsistent with the plain declaration of our constitution, and which you must acknowledge are contrary to the short and comprehensive rule given by Christ himself to his immediate followers, for the government of men: to wit, "Whatsoever ye would men should do unto you, do ye even so to them." Let us endeavor to divest ourselves of that prejudice against our colored fellow-citizens, which is the offspring of injustice and oppression—take them by the hand—teach their minds to explore the pleasant hills of science, and soar, in contemplating the wonders of creation, to the great Creator. Thus we will convince our southern brethren, that men whose ancestors were from Africa, are as capable of enjoying freedom as those from Europe, and that we believe they are as justly entitled to it. We may then with assurance and success say to them, you ought not to keep your fellow beings in bondage, and exclaim with the celebrated Jefferson, "I tremble for my country! when I reflect that God *is just!* that *his justice will not sleep forever!*"